

Notice of Allowability

Application No.

10/624,293

Examiner

Andy S. Rao

Applicant(s)

TOWERY ET AL.

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 4/16/07.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 4/9/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Allowable Subject Matter

1. Claims 1-23 are allowed.

Independent claim 1 recites an apparatus for a firearm sight including "...a sensing section for detecting a physical movement of said firearm sight which is characteristic of a physical impact associated with a cartridge striking mechanism..." which is a feature that is not anticipated nor obvious over the art of record. Independent claim 12 recites an apparatus comprising "...a sight having a viewing section and having a port through which a digital reticle can be introduced electronically into said viewing section from externally of said sight, said viewing section permitting a user to view an image of a scene in association with a digital reticle received through said port..." which is a feature that is not anticipated nor obvious over the art of record. Independent claim 15 recites an apparatus for a firearm sight "...a display on which said viewing section presents said sequence of digital images, said display being visible to a user and having a resolution which is less than a resolution of said image detector; and a digital zoom portion which can digitally change an effective size of said digital images as presented on said display..." which is a feature that is not anticipated nor obvious over the art of record.

Independent claim 16 recites an apparatus comprising "...a sensing portion for detecting movement of said viewing section which has a component approximately transverse to a line extending from said scene to said viewing section; and a further section for providing the user with information based on said movement of said viewing section detected by said sensing portion..." which is a feature that is not anticipated nor obvious over the art of record.

Independent claim 21 recites a firearm sight including "...a reticle adjustment portion which facilitates digital adjustment of the position of said reticle relative to said image, said reticle

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adjustment portion being responsive to radiation received by said firearm sight which is representative of a position of a firearm bore for automatically adjusting the position of said reticle to effect an alignment of said reticle in relation to the firearm bore..." which are features that are not anticipated nor obvious over the art of record. Dependent claims 2-11, 13-14, 17-20, and 22-23 are allowed for the reasons concerning the independent claims.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao

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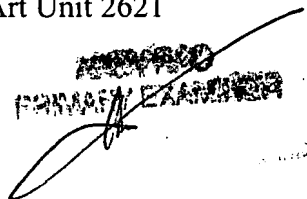
asr

July 8, 2007

Primary Examiner

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~~RECEIVED~~
~~PRIMARY EXAMINER~~

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical stroke and a horizontal stroke, is written over the stamped text.